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Sri Lanka/India: Whether Tamils living in India are repatriating to Sri Lanka, including the procedure to repatriate and support services available to those wishing to repatriate (January 2009 - January 2011)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The United Nations (UN) Integrated Regional Information Networks (IRIN) reports Indian government statistics as indicating that, "as of 1 November 2010, there were more than 70,000 Sri Lankan refugees living in some 112 camps in Tamil Nadu and 32,467 living outside the camps" (UN 5 Jan. 2011). The Sri Lanka Deputy High Commission in Southern India and the British Broadcasting Corporation (BBC) both report that there are 115 refugee camps run by the Indian government around Tamil Nadu (Sri Lanka 22 Nov. 2010; BBC 7 Jan. 2011). The BBC adds that the camps house 70,000 Sri Lankan Tamil refugees and that another 32,000 live outside the camps (ibid.).

In 12 January 2011 correspondence with the Research Directorate, a research fellow at the Center for Asia Studies in Chennai, India noted that "[s]ince 2006 around 7500 refugees have gone back to Sri Lanka" In a related news story, the UN High Commissioner for Refugees (UNHCR) stated that, with its help, 823 Sri Lankan refugees returned to Sri Lanka from India in 2009, and that 1,005 refugees returned by themselves and then approached the UNHCR for help once within Sri Lanka (UN 13 Aug. 2010). The organization also states that in 2009 and 2010, at least 386 new Sri Lankan refugees arrived in India (ibid.). IRIN notes that, in 2010, the UNHCR reported helping 2,054 refugees return to Sri Lanka, most of whom were from refugee camps in Tamil Nadu (UN 5 Jan. 2011). The BBC reports that UNHCR numbers indicate that in 2010, 3,000 refugees returned to Sri Lanka by themselves and then asked the agency for help (BBC 7 Jan. 2011). A counsellor with the Canadian High Commission in New Delhi reports that since the termination of the conflict in Sri Lanka, no "massive repatriation" has occurred; he also provides estimates indicating that less than 5,000 Sri Lankan refugees have returned since May 2009 (Canada 30 Jan. 2011).

The UNHCR Deputy Representative in Sri Lanka is quoted by the Sri Lankan English-language newspaper the *Sunday Observer* as saying that "[w]ithout full access to the refugee camps in Tamil Nadu, it is difficult for UNHCR to get an accurate picture of the wishes of refugees to return" (*Sunday Observer* 10 Oct. 2010).

Repatriation process

The Canadian High Commission counsellor stated that

[n]o formal comprehensive repatriation process or mechanism has been negotiated between India and Sri Lanka to facilitate, among other things, the refugees' physical move, the transfer of personal bank accounts, and the recognition of academic diplomas. (Canada 30 Jan. 2011)

Agency PTI reports that in January 2009, 28,500 Sri Lankan Tamils in India were awarded Sri Lankan citizenship and are waiting for the documents to be issued before returning to Sri Lanka (Agency PTI 1 June 2009). According to the Chairman of Sri Lanka's Parliamentary Select Committee for Granting Citizenship to Refugees, the process has begun, and people will be returning in phases (ibid.).

In an interview published in the *Sunday Observer*, the UNHCR Deputy Representative said that

[t]he issuance or replacement of travel documents is carried out by the Government of Sri Lanka. We understand that is a fairly straightforward process. Refugees who wish to return can contact the Sri Lankan Deputy High Commissioner's office in Chennai to obtain their one-way emergency travel documents. (10 Oct. 2010)

In a telephone interview with the Research Directorate, a representative from the Canadian Office of the UNHCR stated that there are "documentation drives" in Tamil Nadu run by the Sri Lankan government with the consent of the government of India (UN 7 Feb. 2011). The Canadian High Commission counsellor similarly stated that if Sri Lankans want to repatriate, they can "easily obtain a Sri Lankan travel document (allowing them to travel to Sri Lanka only) from the Sri Lankan Deputy High Commission in Chennai based on their existing documents" (Canada 30 Jan. 2011).

The UNHCR Deputy Representative also stated that refugees that want to repatriate can contact the Chennai office of the UNHCR for assistance (*Sunday Observer* 10 Oct. 2010). This is corroborated by the Research Fellow in Chennai, who notes that the "Sri Lankan Consulate in Chennai organises the documents for the returning refugees" and that "[i]n most cases the UNHCR financially supports their return, but only after a proper assessment of the ground situation, in Sri Lanka" (12 Jan. 2011). The Canada-based UNHCR representative noted that in Sri Lanka, the UNHCR, as part of the UN Development Program's (UNDP) Equal Access to Justice project, facilitates the process for refugees and internally displaced persons (IDPs) to obtain their documents; individual assistance for the application process is provided by the Organisation for Eelam Refugees Rehabilitation (OfERR) (UN 7 Feb. 2011).

In 23 January 2011 correspondence with the Research Directorate, a research fellow in South Asian Studies, at the University of Oxford's Wolfson College, noted that the procedure for a facilitated voluntary return to Sri Lanka from the Tamil Nadu refugee camps can take from four to six months once the application declaring voluntary return is submitted to camp coordinators and UN officials.

A UN recruitment poster seeking volunteers to facilitate the repatriation process of Tamil refugees in Tamil Nadu camps, posted on DevNetJobsIndia.org, a website advertising international development jobs, describes the tasks of the

volunteer, which include communicating information on voluntary repatriation in the vicinity of refugee camps, verifying and supporting the acquisition of all legal and repatriation documents, collaborating with local district authorities "to organize verification interviews," and monitoring large-scale returns of refugees to ensure fair treatment (DevNetJobsIndia N.d.).

Support services

The UNHCR office in India, reports the BBC, ensures that Sri Lankan refugees make informed decisions and "advises people to wait if their home areas aren't yet resettled or demined" (BBC 7 Jan. 2011).

An article in *ColomboPage*, a Sri Lankan online newspaper based in the United States, mentions that the UNHCR provides free air tickets and departure grants of 500 Sri Lankan Rupees (LKR) (4.48 CAD [XE.com 8 Feb. 2011a]) for adults, and 300 LKR (2.69 CAD [XE.com 8 Feb. 2011b]) for children (*ColomboPage* 22 May 2010). The Canada-based UNHCR representative corroborated that his organization does absorb transportation costs for people that it helps to repatriate (7 Feb. 2011). As well, he indicated that, once in Sri Lanka, the UNHCR provides the returnees with a transportation grant and a package of non-food items (7 Feb. 2011). *AsiaNews* reports that in 2009, the UNHCR supplied 500 Sri Lankan refugees with travel documents to return to Sri Lanka (*AsiaNews* 9 Sept. 2010). Similarly, the BBC reports that the UNHCR supplies air tickets and emergency non-food items to returning Sri Lankan refugees (BBC 7 Jan. 2011). The Research Fellow from Wolfson College noted that the UNHCR started providing air tickets to Colombo and settlement fees based on family size for volunteer returnees in the beginning of January 2011 (Research Fellow 23 Jan. 2011). The returnees are then met by UN officials at Colombo airport and provided with transportation to the Northern Province; a settlement fee can also be claimed at the regional UNHCR office (*ibid.*). The Canada-based UNHCR representative provided further details of this new assistance program, which is only available to refugees (7 Feb. 2011). It includes a reintegration grant of 10,000 LKR (89.65 CAD [XE.com 8 Feb. 2011c]) per adult and 7,500 LKR (67.24 CAD [XE.com 8 Feb. 2011d]) per child (UN 7 Feb. 2011). The money is available in a pass-book (similar to a debit card) from the Bank of Ceylon; married couples receive a joint book (*ibid.*). An additional 2,000 LKR (17.93 CAD [XE.com 8 Feb. 2011e]) is provided for further transportation by train or bus to their destination, as well as a package of non-food items (UN 7 Feb. 2011).

The Sri Lanka Deputy High Commission in Southern India has established a mobile service to provide consular assistance in processing and issuing birth and marriage certificates for Sri Lankan refugees living in the camp areas of Tamil Nadu (Sri Lanka 22 Nov. 2010). The Rehabilitation Department of Tamil Nadu and the non-governmental OfERR help with the mobile consular service (*ibid.*). The Canadian High Commission counsellor noted that the Sri Lankan Deputy High Commission, with UNHCR cooperation, is issuing travel documents to many Sri Lankans who lack them "based on their camp family registration" (Canada 30 Jan. 2011). It issued 3,000 such documents in 2009 (*ibid.*). Furthermore, in November 2010, the Sri Lankan Deputy High Commission in Chennai started distributing birth certificate application forms to the different camps in anticipation of a potential increase in voluntary repatriation in 2011 and 2012 (*ibid.*). The move is designed to facilitate the application process for Sri Lankan identification after resettlement (*ibid.*).

According to the *ColomboPage* article, the UNHCR in Sri Lanka has a living assistance program for repatriates, and, according to the Minister of Resettlement, the Sri Lankan Foreign Ministry provides coordinating facilities for the resettlement program (22 May 2010). In a news article from IRIN, the Deputy Country Representative for UNHCR is quoted as saying "[o]ne of the main concerns [for returning Sri Lankan refugees] is reclaiming their land. They also need help with restarting their livelihoods with basic household items and assistance" (UN 5 Jan. 2011).

The Canada-based UNHCR representative noted that there are no significant changes in the policies of the Indian and Sri Lankan governments, but there are talks of re-opening a ferry line that used to run between the two countries to facilitate the return from India to Sri Lanka (7 Feb. 2011).

Sri Lankan government

The Research Fellow from Chennai notes that "[c]urrently the government's priority is to resettle the Internally Displaced People (IDPs) and then look at the refugee resettlement" (12 Jan. 2011). The Research Fellow from Wolfson College corroborates this by stating that there is "a lack of commitment by the Sri Lanka government to prioritize resettlement of refugees" (23 Jan. 2011). Agency PTI reported on 1 June 2009 that the Sri Lankan Minister of Resettlement and Disaster Relief Services stated that "the displaced in the Northern and Eastern Part of Sri Lanka [would be] resettled before bringing in the Sri Lankan Tamils living in India." The *ColomboPage* article mentions that, according to the Sri Lankan Minister of Resettlement, there is a plan in the works by his Ministry to bring the approximately 100,000 Sri Lankan refugees in India back to Sri Lanka and resettle them (22 May 2010). The Canadian High Commission counsellor notes that "[r]efugees living in India are awaiting the resettlement of the Internally Displaced Persons who are leaving camps and returning to their hometowns" (Canada 30 Jan. 2011).

According to the Research Fellow from Wolfson College, the fact that one third of the Northern Province in Sri Lanka is still declared a High Security Zone by the Sri Lankan government, with no access to civilians, as well as the high level of crime in the province in recent months, impede refugee return (23 Jan. 2011).

Positive means of persuasion used by both the Sri Lankan and Indian governments to encourage the return of Tamils to Sri Lanka from India include, according to the Research Fellow from Wolfson College, the promise of facilities, security, settlement fees, and equipment (23 Jan. 2011).

Indian government

The Research Fellow from Chennai indicated that India's Director of Rehabilitation and Refugees, as part of a seminar in Chennai conducted by the UNHCR and the Center for Asia Studies on the refugee situation in India today, "said that the Indian government has no intentions of refoulement of the Sri Lankan refugees" (12 Jan. 2011). Similarly, in an interview with *AsiaNews*, the Director of the Jesuit Refugee Service (JRS) for South Asia is quoted as saying the "Sri Lankan refugees are not forced to return home until they want to and the situation is safe for them" (*AsiaNews* 9 Sept. 2010). This is further corroborated by the Canadian High Commission counsellor, who says that the Indian government is not forcibly repatriating Sri Lankan refugees and that there

has been no indication this will change (Canada 30 Jan. 2011).

However, the Research Fellow from Wolfson College stated that "cutting off the available facilities, restriction on physical movement, denial of employment and schooling have been negative pressures" used in Tamil Nadu to encourage repatriation (23 Jan. 2011). Corroboration could not be found among the sources consulted by the Research Directorate.

In subsequent correspondence with the Research Directorate, the same Research Fellow alleged that the "state government" in Tamil Nadu has used the refugee issue "for local political benefits either by projecting their concern or projecting the threat of Tamil Militancy" (Research Fellow 25 Jan. 2011). At certain times, notes the academic, the Tamil Nadu government has implemented policy restrictions to discourage the influx of refugees (ibid.). Such restrictions include the segregation of the 16 to 40 age group, and the requirement that they regularly report to a local police station (ibid.). Adding to their challenges, indicates the Research Fellow, is that refugees of this age often find it difficult to get a job because of "the fear that they may be potential LTTE activists," an attitude the government does not discourage (ibid.).

Agency PTI reported that the Indian police arrested six Sri Lankan refugees trying to return to their country because they left their camps "without informing authorities" (4 Apr. 2010). The Sri Lankan *Daily News* reported that Sri Lankan Tamils are returning to Sri Lanka from Indian camps using Indian fishing boats, paying large sums of money for their transport (*Daily News* 17 Sept. 2010). According to the article, 13 returnees were left stranded on a sand bank on the edge of the Sri Lankan territorial waters after each had paid 5,000 LKR (ibid.) (44.83 CAD [XE.com 8 Feb. 2011f]). They were reportedly rescued by the Sri Lankan Navy (*Daily News* 17 Sept. 2010). According to the Research Fellow from Wolfson College, there have often been reports of the Sri Lankan Navy rescuing refugees who are trying to come back to Sri Lanka from India (23 Jan. 2011).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Representatives of the Jesuit Refugee Service, the Deputy High Commission of the Democratic Socialist Republic of Sri Lanka in Chennai, and the Canadian Missions in Colombo did not reply within the time constraints of this Response. The International Migration Organization (IOM) was unable to provide information.

Internet sites, including: Amnesty International (AI), Human Rights Watch, India - Ministry of External Affairs, India - Tamil Nadu Government, Minority Rights Group International (MRG), Organisation for Eelam Refugees Rehabilitation (OfERR), Sri Lanka - Ministry of External Affairs, Sri Lanka - Ministry of Resettlement, Sri Lanka - Official Website of the Government, United Nations (UN) ReliefWeb.

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